

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Hidekazu TANAKA : Docket No. 2000-0893A  
Serial No. 09/601,241 : Attn: BOX PCT  
Filed July 31, 2000 :  
SPEAKER APPARATUS

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**REPLY TO MISSING REQUIREMENTS UNDER 35 USC 371**

Assistant Commissioner for Patents,  
Washington, D.C.

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.


Sir:

This is in response to the PTO Notice to File Missing Requirements under 35 U.S.C. 371, a copy of which is enclosed. An application declaration is enclosed for the above-identified application. The declaration is executed by the inventor and identifies the application by Serial Number and Filing Date.

Also enclosed is the PTO surcharge of \$130.00 required by 37 C.F.R. 1.16(e).

Respectfully submitted,

Hidekazu TANAKA

By: 

Michael S. Huppert  
Registration No. 40,268  
Attorney for Applicant

MSH/kjf  
Washington, D.C.  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
September 11, 2000

Attachment "G"

FORM PTO 1390  
(REV 5-93)

US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.  
2000\_0893ATRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371U.S. APPLICATION NO.  
(if known, see 37 CFR 1.5)  
09/601,241International Application No.  
PCT/JP99/06645International Filing Date  
November 29, 1999Priority Date Claimed  
December 1, 1998Title of Invention  
SPEAKER APPARATUSApplicant(s) For DO/EO/US  
Hidekazu TANAKA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☐ This is an express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 USC 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 USC 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ☒ An executed oath or declaration of the inventor(s) (35 USC 371(c)(4)). - w/Cover Letter - Attachment "G"
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. - Attachment "H"
13. ☐ A FIRST preliminary amendment.
- ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
  - Cover Letter - Correction of International Application Number - Attachment "I"
  - Copy of Notification of Missing Requirements Under 35 USC 371 - Attachment "J"

09/13/2000 ERIMANDD 00000065 09601241

01 FC:154

130.00 DP

<b>U.S. APPLICATION NO.</b> (if known, see 37 CFR 1.5) 09/601,241		<b>INTERNATIONAL APPLICATION NO.</b> PCT/JP99/06645		<b>ATTORNEY DOCKET NO.</b> 2000 0893A			
17. <input checked="" type="checkbox"/> The following fees are submitted  <div style="text-align: center;"><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b></div> <div style="margin-top: 10px;"> <input type="checkbox"/> Search Report has been prepared by the EPO or JPO ..... \$840.00  <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$670.00  <input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482)                    but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$690.00  <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor                    international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$970.00  <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482)                    and all claims satisfied provisions of PCT Article 33(2)-33(4) ..... \$ 96.00         </div> <div style="text-align: right; margin-top: 10px;"> <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> </div>				<b>CALCULATIONS</b>		<b>PTO USE ONLY</b>	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00			
Claims	Number Filed	Number Extra	Rate				
Total Claims	- 20 =		X \$18.00	\$			
Independent Claims	- 3 =		X \$78.00	\$			
Multiple dependent claim(s) (if applicable)			+ \$260.00	\$			
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$130.00			
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28)				-		\$	
<b>SUBTOTAL =</b>				\$			
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+		\$	
<b>TOTAL NATIONAL FEE =</b>				\$			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (\$40 per property).				+		\$40.00	
<b>TOTAL FEES ENCLOSED =</b>				\$170.00			
				Amount to be refunded:		\$	
				charged:		\$	

- a. ☒ A check in the amount of \$170.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 23-0975 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0975. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

WENDEROTH, LIND & PONACK  
2033 K St., N.W., Suite 800  
Washington, D.C. 20006

Telephone: (202) 721-8200  
Facsimile: (202) 721-8250

By



Michael S. Huppert  
Registration No. 40,268

September 11, 2000  
MSH/kjf

Check No. 39723

2000\_0893A

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Hidekazu TANAKA : Docket No. 2000-0893A  
Serial No. 09/601,241 : Attn: BOX PCT  
Filed July 31, 2000 :  
SPEAKER APPARATUS

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FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

**CORRECTION OF INTERNATIONAL APPLICATION NUMBER**

Assistant Commissioner for Patents,  
Washington, D.C.

Sir:

Upon review of the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on August 11, 2000 (copy enclosed), an obvious minor informality was discovered.

Due to a typographical error on the transmittal letter, the International Application No. is incorrectly identified as "PCT/JP99/00645", however, the correct number is --PCT/JP99/06645-- (see enclosed copy of Form PCT/IB/301).

Accordingly, please correct the official PTO files to indicate that the corresponding International Application No. is **PCT/JP99/06645**.

Respectfully submitted,

Hidekazu TANAKA

By: 

Michael S. Huppert  
Registration No. 40,268  
Attorney for Applicant

MSH/kjf  
Washington, D.C.  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
September 11, 2000



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

06645

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/601241	TANAKA	H 2000 0893A
WENDEROTH LIND PONACK 2033 K STREET NW SUITE 800 WASHINGTON, DC 20006		
INTERNATIONAL APPLICATION NO.		
PCT/JP99/00645		
I.A. FILING DATE		PRIORITY DATE
29 NOV 99		01 DEC 98
DATE MAILED: 11 AUG 2000		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494),
- ☐ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☒ a non-English language.
  - ☐ English.
- ☒ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☒ Information Disclosure Statement(s) filed 31 JUL 00 and \_\_\_\_\_.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_.
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

RECEIVED  
AUG 15 2000  
WENDEROTH, LIND & PONACK

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
  - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

- ☒ PCT/DO/EO/917
  - ☐ Notice of Defective Translation
  - ☐ PTO-875
- FORM PCT/DO/EO/905 (December 1997)

COTTMAN, DARRELL C.  
Telephone: 703-305-3693



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/601232	WAJS	A 82032 00004
INTERNATIONAL APPLICATION NO.		
PCT/EP99/09576		
I.A. FILING DATE	PRIORITY DATE	
07 DEC 99	08 DEC 98	
DATE MAILED: 11 AUG 2000		

HOGAN HARTSON  
555 13TH STREET NW 7W  
WASHINGTON, DC 20004

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

COTTMAN, DARRELL C.

Telephone: 703-305-3693